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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,499	08/17/2001	John DiDomenico	87354.2880	6293
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BAKER & HOSTETLER LLP WASHINGTON SQUARE, SUITE 1100 1050 CONNECTICUT AVE. N.W. WASHINGTON, DC 20036-5304			EXAMINER TRIEU, VAN THANH	
			ART UNIT 2636	PAPER NUMBER

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,499

Applicant(s)

DIDOMENICO ET AL.

Examiner

Van T. Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 1, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by **Lord et al** [US 6,455,851].

Regarding claim 1, the claimed a system for managing visual images of vehicles, comprising: a first digital video image collector positioned to capture a first data file that is representative of a visual image of at least one feature of a first vehicle moving on a roadway, the first digital video image collector including a first communications port (the camera 26 capturing digital images of an approaching vehicle 22, and communicating to an operator PC 24, see Fig. 1, col. 4, lines 27-39 and col. 5, lines 10-16); and the computing device having a processor, a memory, and a second communications port (the operator computer PC 24 includes a memory for storing digital images captured by the camera 26, see Fig. 1, col. 5, lines 12-16); and the first communications link between the first communications port and the second communications port (the standard cable for connecting between the camera 26, analyzer 18 and the operator PC 24, see Fig. 1, col. 3, lines 44-47 and col. 4, lines 36-42); and the first information

collection device comprising an open path emission sensor in communication with the computer, the first information collection device positioned to capture emissions data corresponding to the first vehicle (the IR radiation 10 and UV radiation 12 sensors for capturing emissions 20 as well as speed and acceleration of a vehicles 22. The captured information is send to the operator PC 24, see Fig. 1, col. 4, lines 28-67 and col. 5, lines 1-18).

Regarding claim 11, the claimed means for illumination at least a portion of the first vehicle without distracting the attention of a driver of the vehicle, which reads upon the light has to be channeled to all of the detectors sequentially or simultaneously, see Fig. 1, col. 9, lines 30-35 and col. 10, lines 46-53.

Regarding claim 12, the method claimed limitations are met by the apparatus claim cited in respect to claim 1 above, and including the computer programming (the operator personal computer PC 24 and analyzer PC 56, see Figs. 1-4, col. 6, lines 37-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lord et al** [US 6,455,851] in view of **Taki** [US 6,892,262].

Regarding claim 2, **Lord et al** fails to disclose the first communication port is capable of transferring data at a transfer rate substantially equal to at least one of 100, 200 and 400 megabits per second. However, **Lord et al** teaches that the digital camera images, speed, acceleration and the emission images are communicating with the operator PC 24 via a standard digital data communication protocols, see Figs. 1-4, col. 3, lines 44-47 and col. 4, lines 28-42. **Taki** suggests that a serial bus interface device such as IEEE 1394 serial bus having a high data transfer speed of 100 to 400 megabits per second and supports two kinds of transfer modes. The IEEE 1394 serial bus is connecting between a digital camera 102 and a personal computer 101 for transferring digital images there between, see Fig. 3, abstract, col. 1, lines 6-20, col. 4, lines 42-57. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the IEEE 1394 serial bus interface of **Taki** for the standard

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digital data communication protocols of **Lord et al** for providing a faster speed of transferring digital image data with identification information and reduce of losing data.

Regarding claim 3, all the claimed subject matters are discussed between **Lord et al** and **Taki** in respect to claims 1 and 2 above.

Regarding claim 4, all the claimed subject matters are discussed between **Lord et al** and **Taki** in respect to claims 1 and 2 above.

3. Claims 5-7, 10, 13-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lord et al** [US 6,455,851] in view of **Lock** [US 6,919,823].

Regarding claim 5, **Lord et al** fails to disclose the second digital video image collector to capture a second data file that is representative of a visual image of at least one feature of a second vehicle moving on a roadway and the second digital camera including a third communications port. However, **Lord et al** teaches of a single digital camera 26 being selectively positioned to capture images of a vehicle 22 traveling along a roadway 14, see Fig. 1, col. 4, lines 36-42. **Lock** suggests that a digital camera 18 captures images of a vehicle crossing a traffic lane A having sensor 22, and a second digital camera 19 captures images of a vehicle crossing a traffic lane B having a sensor 23. The digital cameras 18 and 19 are connected to a digital computer 20 for processing and recording digital images, see Figs. 1 and 2, col. 3, lines 27-46 and col. 4, lines 25-30. Therefore, it would have been obvious to one skill in the art at the time

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the invention was made to implement the two digital cameras of **Lock** with a single digital camera of **Lord et al** in order to capture more than vehicles traveling on different lanes or roads since the highway or mayor road having at least two lanes for improving of traffic congestions.

Regarding claim 6, all the claimed subject matters are discussed between **Lord et al** and **Lock** in respect to claims 1 and 5 above.

Regarding claim 7, all the claimed subject matters are discussed between **Lord et al** and **Lock** in respect to claim 6 above.

Regarding claim 10, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** and **Lock** in respect to claims 4 and 5 above.

Regarding claim 13, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** in respect to claims 2 and 12 above.

Regarding claim 14, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** in respect to claims 3 and 12 above.

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Regarding claim 15, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** in respect to claims 3 and 12 above, and including a single house (the camera 26, see Fig. 1).

Regarding claim 16, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** in respect to claims 1 and 2 above.

Regarding claim 17, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** in respect to claim 16 above.

Regarding claim 20, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** and **Lock** in respect to claims 1 and 2 above.

4. Claims 8, 9, 18, 19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lord et al** and **Taki** and further in view of **Lock** [US 6,919,823].

Regarding claim 8, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** and **Lock** in respect to claims 2 and 5 above.

Regarding claim 9, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki** and **Lock** in respect to claims 3 and 5 above.

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Regarding claim 18, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki and Lock** in respect to claims 5 and 12 above.

Regarding claim 19, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki and Lock** in respect to claim 18 above.

Regarding claim 21, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki and Lock** in respect to claims 5 and 20 above.

Regarding claim 22, all the claimed subject matters are discussed and combined between **Lord et al** and **Taki and Lock** in respect to claims 11 and 19 above.

Response to Arguments

5. Applicant's arguments filed on 12 September 2005 have been fully considered but they are not persuasive. Because of the amendment adding "the open path emission sensor" in the independent claims 1, 12 and 20, a new reference of **Lord** is replaced for the reference of **Poland et al** in order to make the rejection smoother.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (571) 272-2981.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long, sweeping horizontal stroke extending to the right.

Van Trieu
Primary Examiner
Date: 11/29/05